

On March 21, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20556. Misbranding of Vapex. U.S. v. 15 Dozen Bottles, et al., of Vapex. Default decrees of condemnation and destruction. (F. & D. nos. 29594, 29595. Sample nos. 21072-A, 21120-A, 32934-A.)

These cases involved various shipments of Vapex, a drug preparation. In one of the lots the label bore no declaration of the alcohol content, and in remaining lots the declaration was not properly made. Tests of the article showed that it did not possess the bactericidal properties claimed in the labeling. It also was claimed for the article that it was made in England, whereas a part of the manufacturing process was carried on in this country.

On December 6, 1932, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States a libel praying seizure and condemnation of 15 dozen bottles of Vapex at Pittsburgh, Pa. On December 7, 1932, the United States attorney for the District of Delaware filed a libel against 41 dozen bottles of the product at Wilmington, Del. The libels charged that the article had been shipped in interstate commerce, in various lots, between the dates of October 8, 1932 and November 23, 1932, by E. Fougera & Co., Inc., from New York, N. Y., and that it was misbranded in violation of the Food and Drugs Act.

Analysis of a sample of the article by this Department showed that it consisted essentially of volatile oils, such as menthol and lavender oil, alcohol (approximately 65 percent by volume), and water.

It was alleged in the libels that the article was misbranded in that the following statements appearing in the circular accompanying the packages, "Vapex is produced in England by Thos Kerfoot & Co., Ltd." and "Laboratory tests have proved that the Vapex vapor kills the pathogenic bacteria present in the breathing passages", were false and misleading. Misbranding was alleged for the further reason that the labels failed to bear a statement of the quantity or proportion of alcohol contained in the article, since in one lot the alcohol was not declared, and in the other lots the declaration appeared in an inconspicuous place on the bottle label, and no declaration appeared upon the outside of the packages.

On January 6 and January 11, 1933, no claimant having appeared for the property, judgments of condemnation were entered and it was ordered by the courts that the product be destroyed by the United States marshals.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20557. Misbranding of LaSalle's Life Salt, LaSalle's Diutone tablets, LaSalle's Uter-Tol tonic, and LaSalle's compound cough syrup; adulteration and misbranding of LaSalle's antiseptic powder. U. S. v. Harry Lehrer (La Salle Medicine Co.). Plea of guilty to all counts. Fine, \$200 on first count. Sentence suspended on remaining counts. (F. & D. no. 28210. I.S. nos. 21395 to 21399, incl.)

This case was based on an interstate shipment of various proprietary medicines. Examination showed that the articles contained no ingredients or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labelings of the products. Tests of LaSalle's antiseptic powder showed that it was not a safe and effective antiseptic as represented.

On February 2, 1933, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against Harry Lehrer, trading as the LaSalle Medicine Co., Los Angeles, Calif., charging violation of the Food and Drugs Act as amended. It was alleged in the information that the defendant had shipped, on or about September 15, 1931, under the name of the Brunswick Drug Co., from the State of California into the State of Arizona, quantities of LaSalle's Life Salt, LaSalle's Diutone tablets, LaSalle's Uter-Tol tonic, and LaSalle's compound cough syrup that were misbranded, and a quantity of LaSalle's antiseptic powder that was adulterated and misbranded.

Analyses of samples of the products by this Department showed that Life Salt consisted essentially of compounds of sodium and potassium, tartrates, carbonates, phenolphthalein, citric acid, and sugar; Diutone tablets contained extracts of plant drugs, including buchu and juniper, and potassium nitrate;

Uter-Tol tonic tablets contained plant material, including tannin, resins, valeric acid, and volatile oils; the antiseptic powder consisted essentially of zinc sulphate (13.8 percent), boric acid (85 percent), salicylic acid (0.6 percent), and volatile oils including thymol. Bacteriological examination of the antiseptic powder showed that the article was not antiseptic when used according to the directions stated upon the label. Analysis of a sample of the compound cough syrup showed that the article consisted essentially of extracts of plant drugs (sugars 71 percent), alcohol (5.5 percent by volume), and water.

It was alleged in the information that LaSalle's Life Salt was misbranded in that certain statements, designs, and devices, borne on the carton and bottle labels, falsely and fraudulently represented that it was effective as a life salt and as a stomach, liver, and intestinal cleanser and purifier; effective as of great merit in the treatment of all forms of stomach, liver, and intestinal disorders; effective to cleanse and purify the system; effective as a treatment, remedy, and cure for indigestion and dyspepsia; effective as a relief for indigestion, dizziness, nausea, biliousness, headaches, and all disorders of the stomach, liver, and intestines; that the circular shipped with the article falsely and fraudulently represented that it was effective to completely wash out the digestive tract, to remove all mucous and clinging matter from the walls of the stomach and intestines, and to permit the free absorption of nourishment by the blood; that a booklet shipped with the article falsely and fraudulently represented that it was effective as a relief for coated tongue, white tongue, aches and burnings of the stomach, vomiting, biliousness, and indigestion; effective to cleanse, purify, and strengthen the stomach, liver, and intestines; effective to completely wash out the intestines and stomach; effective as a treatment for bad stomach and as a relief for any disorder of the stomach; and effective as a relief for a disordered stomach and liver, headache, stomach ache, and pains in the head.

Misbranding of LaSalle's Diutone tablets was alleged for the reason that certain statements, designs, and devices appearing on the bottle and carton labels falsely and fraudulently represented that it was effective as a tonic for the kidneys and bladder, effective to relieve all disorders that are due to weak, run-down, or improper functioning of the kidneys and bladder; and effective as of great merit in the treatment of all disorders of the kidneys and bladder, such as pain in the back and hips, burning, scanty, or too abundant urine and rheumatism; and that a booklet shipped with the article falsely and fraudulently represented that it was effective as a treatment for lowered vitality; effective as a tonic to the kidneys and bladder; effective as a relief and treatment for scanty urine, sediment, mucous substances, blood in the urine and painful urination; effective to tone up the kidneys and bladder and to put these organs in their normal healthy condition; effective as a treatment for diseases of the urinary tract, the kidneys, and bladder, catarrh of the bladder, pain or burning sensation in the bladder or while urinating, and frequent desire to urinate; effective to completely flush the kidneys and bladder, eliminate all the poisons and tone these organs up so that they will function normally; effective as a treatment for inflammation of the bladder, and inflammation of the urethra; effective as a treatment for gravel in kidneys and pain in the back of the region of the kidneys; effective to prevent the formation of stones in the kidneys; effective as a treatment for inflammation of the kidneys, foul smelling urine with blood or sediment, puffy appearance of skin under the eyes, swollen joints of fingers, swollen legs, Bright's Disease or degeneration or rotting away of the kidneys; effective as a cure for kidney disease in its first stages; effective as a treatment for dropsy, impoverished and impure state of the blood due to diseased kidneys, bloated and puffy condition of the skin, distended abdomen, and swelling in some part of the body; effective to restore the kidneys to a healthy state; effective as a treatment for any derangement of the urinary tract, headache, dizziness, vertigo, nervousness, sediment in the urine, and blood or solid substances in the urine; effective as the ideal remedy for any ailment of the kidneys or bladder and as a tonic to the cells of the kidneys; effective to remove pus and accumulations formed in the kidneys; effective as a prompt relief in disorders of the kidneys or bladder; effective as a remedy for severe pains in the back and hips, rheumatism in the joints and achy bones; effective, when used in connection with LaSalle's Life Salt, as a remedy and cure for scalding and burning urine, frequent night rising; effective as a remedy and cure for swollen ankles, swollen eyes, excruciating pains in

the small of the back and aching back; and effective as a tonic stimulant for congestion or inflammation of the kidneys caused by overeating, overworking, or sexual excesses.

Misbranding of LaSalle's Uter-Tol tonic was alleged for the reason that certain statements, designs, and devices appearing on the bottle and carton labels falsely and fraudulently represented that it was effective as a tonic to the female generative organs; and effective to relieve all the nonsurgical ailments that are peculiar to women; and effective to relieve all the nonsurgical illnesses that are peculiar to women, such as painful, irregular, or suppressed menses, scanty or abundant menstruation, inflammation of the uterus or ovaries, colic, dizziness and pain in the abdomen; and effective as a valuable medicine in the critical periods of women's life and as a preventive of all pain and discomfort of the monthly period.

Misbranding of LaSalle's compound cough syrup was alleged for the reason that certain statements, designs, and devices, appearing on the bottle and carton labels, falsely and fraudulently represented that it was effective as of great value in the treatment of all forms of coughs, hoarseness, asthma, bronchitis, whooping cough, croup, and all affections and inflammations of the throat, lungs, and bronchial tubes; effective to relieve the most obstinate cough by removing the cause; effective as a treatment, remedy, and cure for whooping cough and croup in children; and effective as a remedy for all forms of coughs.

Adulteration of LaSalle's antiseptic powder was alleged for the reason that its strength and purity fell below the professed standard and quality under which it was sold, in that it was represented to be antiseptic, when used as directed, whereas it was not. Misbranding of LaSalle's antiseptic powder was alleged for the reason that the statements, "A combination of the safest and most effective antiseptics" and "a local antiseptic", borne on the package, were false and misleading, since the article was not a combination of the safest and most effective antiseptics and was not a local antiseptic when used as directed. Misbranding of LaSalle's antiseptic powder was alleged for the further reason that certain statements, designs, and devices appearing on the labels of the packages falsely and fraudulently represented that it was effective as a treatment for leucorrhea (whites) and inflammations or ulcerations of the vagina; and effective to allay inflammatory and catarrhal conditions of the vaginal mucous membrane and as a treatent for female disorders.

On February 20, 1933, the defendant entered a plea of guilty to each of the seven counts of the information, and the court imposed a fine of \$200 on count 1, and suspended sentence on the remaining counts.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20558. Misbranding and alleged adulteration of Tablets Flu-Enza. U.S. v. 425 Tablets Flu-Enza. Adulteration charge dismissed. Misbranding charge confessed. Decree of condemnation and forfeiture. Product released to be relabeled. (F. & D. no. 24499. I.S. no. 011586. S. no. 2737.)

Examination of the drug preparation Tablets Flu-Enza disclosed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed on the bottle label. The sample of the article analyzed contained less than 3.15 grains of phenacetin, the amount declared on the label.

On February 3, 1930, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 425 Tablets Flu-Enza at Springfield, Mass., alleging that the article had been shipped in interstate commerce on or about November 15, 1929, by the Direct Sales Co., Inc., from Buffalo, N. Y., to Springfield, Mass., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. In the libel as originally filed it was alleged that the bottle label bore the statement, "Phenacetin 3.5 grains." The libel was subsequently corrected to read "Phenacetin 3.15 Grains, etc."

Analysis of a sample of the article by this Department showed that it contained 2.79 grains acetphenefidin and 2.8 grains salol per tablet, and a small proportion of mercuric iodide.

It was alleged in the libel that the article was adulterated in that it was sold under its own standard of strength, (bottle label) "Phenacetin 3.15 grains to each tablet", and fell below such professed standard.